

No. 23-11854

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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GRACE, INC., ET AL.,

*Plaintiffs-Appellees,*

v.

CITY OF MIAMI,

*Defendant-Appellant.*

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On Appeal from the United States District Court  
for the Southern District of Florida, No. 1:22-cv-24066 (Moore, J.)

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**PLAINTIFFS-APPELLEES' MOTION TO TRANSFER  
CONSIDERATION OF ATTORNEYS' FEES  
ON APPEAL TO THE DISTRICT COURT**

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**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

Per Rule 26.1 and Circuit Rule 26.1, Appellees certify that the following have an interest in the outcome of this appeal:

1. Abbott, Carolyn, *Testifying Expert for Plaintiffs-Appellees*
2. ACLU Foundation of Florida, Inc., *Counsel for Plaintiffs-Appellees*
3. Bardos, Andy, *Counsel for Defendant-Appellant*
4. Carollo, Joe, *Defendant-Appellant*
5. City of Miami, *Defendant-Appellant*
6. Cody, Steven, *Defendant-Appellant's expert*
7. Contreras, Alexandra, *Plaintiff-Appellee*
8. Cooper, Clarice, *Plaintiff-Appellee*
9. Covo, Sabina, *Defendant-Appellant*
10. De Grandy, Miguel, *Testifying Expert for Defendant-Appellant*
11. Dechert LLP, *Counsel for Plaintiffs-Appellees*
12. Díaz de la Portilla, Alex, *Defendant-Appellant*
13. Engage Miami, Inc., *Plaintiff-Appellee*
14. GrayRobinson, P.A., *Counsel for Defendant-Appellant*
15. Grove Rights and Community Equity, Inc. (GRACE), *Plaintiff-Appellee*
16. Greco, John A., *Counsel for Defendant-Appellant*
17. Johnson, Christopher N., *Counsel for Defendant-Appellant*

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18. Johnson, Jared, *Plaintiff-Appellee*
19. Jones, Kevin R., *Counsel for Defendant-Appellant*
20. King, Christine, *Defendant-Appellant*
21. Kirsch, Jocelyn, *Counsel for Plaintiffs-Appellees*
22. Levesque, George T., *Counsel for Defendant-Appellant*
23. McNamara, Caroline A., *Counsel for Plaintiffs-Appellees*
24. McNulty, Kerri L., *Counsel for Defendant-Appellant*
25. Méndez, Victoria, *Counsel for Defendant-Appellant*
26. Merken, Christopher J., *Counsel for Plaintiffs-Appellees*
27. Miami-Dade Branch of the NAACP, *Plaintiff-Appellee*
28. Moore, K. Michael, *United States District Judge, Southern District of Florida*
29. Moy, Bryant J., *Testifying Expert for Plaintiffs-Appellees*
30. NAACP Florida State Conference, *State Affiliate of Plaintiffs-Appellees*
31. Quintana, Marlene, *Counsel for Defendant-Appellant*
32. Reyes, Manolo, *Defendant-Appellant*
33. National Association for the Advancement of Colored People (NAACP),  
*National Affiliate of Plaintiffs-Appellees*
34. South Dade Branch of the NAACP, *Plaintiff-Appellee*
35. Steiner, Neil A., *Counsel for Plaintiffs-Appellees*
36. Suarez, Francis X., *Defendant-Appellant*

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37. Tilley, Daniel B., *Counsel for Plaintiffs-Appellees*

38. Unger, Jason L., *Counsel for Defendant-Appellant*

39. Valdes, Yanelis, *Plaintiff-Appellee*

40. Warren, Nicholas L.V., *Counsel for Plaintiffs-Appellees*

41. Wysong, George, *Counsel for Defendant-Appellant*

Plaintiffs-Appellees certify that the GRACE, Inc.; Engage Miami, Inc.; South Dade Branch of the NAACP; and Miami-Dade Branch of the NAACP each has no parent corporation, and no publicly held corporation owns 10% or more of any of those entities' stock. The remaining Plaintiffs-Appellees are individual persons.

Plaintiffs-Appellees further certify that no publicly traded company or corporation has an interest in the outcome of this case or appeal.

**PLAINTIFFS-APPELLEES' MOTION TO TRANSFER**  
**CONSIDERATION OF ATTORNEYS' FEES**  
**ON APPEAL TO THE DISTRICT COURT**

Pursuant to Circuit Rule 39-2(d), Plaintiffs-Appellees (“Plaintiffs”) move to transfer consideration of attorneys’ fees on appeal to the district court. Plaintiffs file this motion to ensure they have complied with the terms of Circuit Rule 39-2. In support, Plaintiffs state as follows:

1. On December 15, 2022, Plaintiffs filed a complaint for declaratory and injunctive relief against the City of Miami (“Defendant”), alleging that the City’s 2022 redistricting plan violates the U.S. Constitution as racially gerrymandered.

2. On May 23, 2023, Plaintiffs obtained a preliminary injunction enjoining Defendant from using the City’s 2022 redistricting plan.

3. On June 2, 2023, Defendant filed an interlocutory appeal of the preliminary injunction order.

4. On July 11, 2023, Defendant moved to voluntarily dismiss this appeal.

5. On July 13, 2023, the Court granted Defendant’s motion and dismissed the appeal.

6. Pursuant to Circuit Rule 39-2, when there has been no petition for rehearing, parties seeking attorneys’ fees either must file a motion seeking such fees within 14 days (Rule 39-2(a)) or file a motion to transfer consideration of fees to the district court (Rule 39-2(d)). This motion is therefore timely because it is filed within

14 days of the order of dismissal.

7. Granting this motion is in the interest of judicial economy. Plaintiffs expect to move for attorneys' fees following final judgment by the district court pursuant to 42 U.S.C. § 1988. Transferring consideration of fees on appeal will allow the parties to engage in one round of briefing before the district court or one round of settlement discussions regarding fees.

8. Plaintiffs' counsel has conferred with counsel for Defendant, who opposes this motion.

WHEREFORE, Plaintiffs-Appellees respectfully request the Court transfer consideration of attorneys' fees on appeal to the district court.

### **CERTIFICATE OF COMPLIANCE**

The undersigned certifies that this motion compliance with the type-volume requirements of Rule 27(d)(1)(E). This motion contains 872 words.

Respectfully submitted this 13th day of July, 2023,

/s/ Nicholas L.V. Warren

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